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**UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF OREGON**  
**MEDFORD DIVISION**

**MARIO ROEDERER**, individually, and on  
behalf of **FLOWJO, LLC**, an Oregon Limited  
Liability Company,

Plaintiffs,

v.

**ADAM TREISTER**, individually, and  
**TREE STAR, INC.**, an Oregon corporation,

Defendants.

Case No.: 1:13-cv-01021-CL

**PLAINTIFFS' MOTION TO  
COMPEL COMPLIANCE WITH  
COURT ORDER DKT. 79  
PURSUANT TO PROTECTIVE  
ORDER  
(DISCOVERY MOTION)**

### **CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7-1(a)**

Pursuant to LR 7-1(a), Plaintiffs' counsel corresponded with Defendants' counsel on 4 separate occasions by email,<sup>1</sup> beginning February 5, 2014, before filing Plaintiffs' Motion to Compel Compliance with Court Order Dkt. 79 pursuant to the Protective Order (Dkt. 23) dated February 14, 2014. *See* Memorandum in Support of Plaintiffs' Motion to Compel Compliance with Court Order Dkt. 79 Pursuant to the Protective Order Dkt. 23, Ex. 3 & 4. The Plaintiffs made a good faith effort through numerous email correspondences to resolve this discovery dispute, but the parties were unable to resolve the dispute.

### **MOTION**

Pursuant to FRCP 37, Plaintiffs move this court for an order compelling Defendants to comply with Court Order Dkt. 79 pursuant to the Protective Order (Dkt. 23), and to designate Defendants' clients' financial documents as "Confidential" or "Professionals' Eyes Only" pursuant to the Protective Order, and award any such other and further relief this Court finds just and proper.

The issue to be decided by this motion is whether the Court will designate financial documents as "CONFIDENTIAL" or "FOR PROFESSIONALS' EYES ONLY" pursuant to the Protective Order. This motion is supported by Memorandum in Support of Plaintiffs' Motion to Compel Compliance with Court Order Dkt. 79 Pursuant to the Protective Order. Because the issue is simple yet vital for the imminent February 27, 2014 Preliminary Injunction Hearing,

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<sup>1</sup> Nine back-and-forth emails on this topic were exchanged before this brief was filed. Despite Plaintiffs' requests to speak several days this week, Defendants notified Plaintiffs they were unavailable any of those days. Due to the discovery now being long overdue, the sudden change in designation of the documents, and the imminent preliminary injunction hearing, Plaintiffs cannot afford any more delays and consequently asked the Court to intervene.

Plaintiffs request a hearing on this matter during the already scheduled February 18, 2014 Scheduling Conference.

DATED this 14<sup>th</sup> day of February, 2014.

**MARIO ROEDERER**

/s/ Adam Wolek  
One of His Attorneys

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing **Plaintiffs' Motion to Compel Compliance with Court Order Dkt. 79 Pursuant to the Protective Order** was served via e-service this 14th day of February 2014, to Defendants.

Dylan J. Liddiard  
Dale Bish  
Jasmine Owens  
650 Page Mill Road  
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All parties in this case are represented by an E-Filer and have consented to service by electronic means under Fed. R. Civ. P. 5(b)(2)(D).

/s/ Adam Wolek